

TUESDAY, FEBRUARY 17, 1998

At 9:30 a.m., the court met in the Library & Courts Building to begin its court calendar session.

PRESENT: BLEASE, Acting Presiding Justice
 SCOTLAND, Associate Justice
 NICHOLSON, Associate Justice

Bailiff Jones
Calendar called

TUESDAY, FEBRUARY 17, 1998 CONTINUED

Crim. THE PEOPLE

No. vs.

C025073 DAVID NORMAN RANER

Cause called. Jerome P. Wallingford, court appointed counsel argued for Defendant-Appellant. No appearance was made on behalf of Plaintiff-Respondent. Cause submitted.

At 9:46 a.m., court recessed. At 9:47 a.m., court reconvened with Presiding Justice Puglia, Associate Justice Blease and Associate Justice Scotland.

Crim. THE PEOPLE

No. vs.

C024417 ERNEST LEE POWELL

Cause called. Donald Segerstrom, court appointed counsel argued for Defendant-Appellant with additional citations. Patrick J. Whalen, Deputy Attorney General argued for Plaintiff-Respondent. Cause submitted.

At 10:00 a.m., court recessed. At 10:12 a.m., court reconvened with Acting Presiding Justice Nicholson, Associate Justice Scotland and Associate Justice Callahan.

Civil MARRIAGE OF KATZAKIAN

No. THEODORE T. KATZAKIAN

C026515 vs.

SUZANNE ST. JOHN

Cause called. Mark A. Rushin, of Moore and Moore argued for Appellant. John H. McKinley, of Brown, Hall & McKinley argued for Respondent. Cause submitted.

TUESDAY, FEBRUARY 17, 1998 CONTINUED

At 10:00 a.m., court recessed. At 10:15 a.m., court reconvened with the same panel except Associate Justice Raye in place of Associate Justice Scotland.

Crim. THE PEOPLE
No. vs.
C024943 JAMES WILLIAM COVERT

Cause called. Eric Weaver, court appointed counsel argued for Defendant-Appellant. Maureen A. Daly, Deputy Attorney General argued for Plaintiff-Respondent.

At 10:37 a.m., court recessed. At 2:01 p.m., court reconvened with Presiding Justice Puglia, Associate Justice Blease and Associate Justice Davis.

Crim. THE PEOPLE
No. vs.
C021787 BRUCE ANTHONY MCALLISTER

Cause called. Rita Barker, court appointed counsel argued for Defendant-Respondent. Janine R. Busch, Deputy Attorney General argued for Plaintiff-Appellant. Cause submitted. (Consolidated with C023704)

Crim. THE PEOPLE
No. vs.
C023704 BRUCE ANTHONY MCALLISTER

Cause called. Rita Barker, court appointed counsel argued for Defendant-Respondent. Janine R. Busch, Deputy Attorney General argued for Plaintiff-Appellant. Cause submitted. (Consolidated with C021787)

Court adjourned at 2:46 p.m., until 9:30a.m., Wednesday, February 18, 1998.

TUESDAY, FEBRUARY 17, 1998 CONTINUED

Crim No. C024163	THE PEOPLE vs. JOHN D. GANN By the Court: Appellant's petition for rehearing is denied. Dated: February 17, 1998	PUGLIA, P.J.
Crim. No. C025327	THE PEOPLE vs. HAROLD WAYNE BUNNELL The judgment is affirmed.	(Not for Publication) SCOTLAND, J.
	We concur: BLEASE, J. NICHOLSON, J.	
Crim. No. C025496	THE PEOPLE vs. MANUEL MELECIO LUNA, JR. The judgment is affirmed.	(Not for Publication) SIMS, J.
	We concur: PUGLIA, P. J. NICHOLSON, J.	
Civil No. C027306	THE PEOPLE vs. NOBLE INSURANCE COMPANY The judgment is affirmed.	(Not for Publication) SIMS, J.
	We concur: PUGLIA, P. J. NICHOLSON, J.	
Crim. No. C025575	THE PEOPLE vs. DAVID GULARTE, III The judgment is reversed.	(Not for Publication) SCOTLAND, J.
	We concur: PUGLIA, P.J. BLEASE, J.	

TUESDAY, FEBRUARY 17, 1998 CONTINUED

Crim. THE PEOPLE
No. vs.
C026697 THEODORE GEORGE BERDAHL

The judgment is modified to reflect the award of 75 days of custody credit and 36 days of conduct credit for a total of 111 days of presentence credit. As modified, the judgment is affirmed. The trial court is direct to amend the abstract of judgment in accordance with this opinion and to forward a copy of the amended abstract to the Department of Corrections.

SIMS, J.

We concur: PUGLIA, P.J.
NICHOLSON, J.

Civil VIRGINIA S. (Not for Publication)
No. vs.
C028251 THE SUPERIOR COURT OF SAN JOAQUIN COUNTY
SAN JOAQUIN COUNTY HUMAN SERVICES AGENCY ET AL.

Let a peremptory writ of mandate issue commanding respondent juvenile court to vacate its orders denying reunification services and setting a hearing pursuant to section 366.26 and to reset the case for a new dispositional hearing to be conducted in accordance with the views expressed herein. This decision is final forthwith. (Cal. Rules of Court, rule 24(d).)

SIMS, Acting P.J.

We concur: RAYE, J.
MORRISON, J.

Juvenile In re BRANDON D., a Person coming under the Juvenile Court Law
No. DEPARTMENT OF PUBLIC SOCIAL SERVICES
C027463 (Not for Publication)

vs.
LOUISE L.

The judgment is affirmed.

SCOTLAND, J.

We concur: PUGLIA, P.J.
DAVIS, J.

TUESDAY, FEBRUARY 17, 1998 CONTINUED

Juvenile
No.
C027253

In re DESIREE F., a Person coming under the Juvenile Court Law
PLACER COUNTY DEPARTMENT OF HUMAN SERVICES
(Not for Publication)

vs.

DEBRA F.

The orders of the juvenile court terminating appellant's parental rights are reversed and the case is remanded for the juvenile court to hold a new permanency planning hearing where appellant is represented by counsel.

SIMS, Acting P.J.

We concur: RAYE, J.
MORRISON, J.

WEDNESDAY, FEBRUARY 18, 1998

At 9:30 a.m., the court met in the Library & Courts Building for a continuation of court calendar session.

PRESENT: PUGLIA, Presiding Justice
SIMS, Associate Justice
RAYE, Associate Justice

Bailiff: Conrad.
Calendar called.

Crim.
No.
C025571

THE PEOPLE
vs.
PATRICIA ALENE BARNHART

Cause called. Robert W. Lyons, argued for Defendant-Appellant. No appearance was made on behalf of Deputy Attorney General as argued having been previously waived and approved. Cause submitted.

Crim.
No.
C025389

THE PEOPLE
vs.
DELDA RAY RICHARDSON

Cause called. Dale Dombkowski, court appointed counsel argued for Defendant-Appellant. Garrick W. Chock, Deputy Attorney General argued for Plaintiff-Respondent. Cause submitted.

WEDNESDAY, FEBRUARY 18, 1998 CONTINUED

At 9:54 a.m., court recessed. At 9:57 a.m., court reconvened with the same panel except Associate Justice Davis in place of Associate Justice Raye.

Civil EDWARD R. STOLZ, II
No. vs.

C026023 SACRAMENTO RENAISSANCE

Cause called. Gilbert Khachadourian Jr., of Watson, Khachadourian & Re argued for Defendant-Appellant. Robert Holderness, of Robert Holderness & Associates argued for Plaintiff-Respondent. Cause submitted.

At 10:09 a.m., court recessed. At 10:11 a.m., court reconvened with Acting Presiding Justice Sims, Associate Justice Davis and Associate Justice Raye

Crim. THE PEOPLE
No. vs.

C021745 PHILLIP CHARLES COUCH

Cause called. Millard A. Murphy, court appointed counsel argued for Defendant-Appellant. Timothy L. Riegar, Deputy Attorney General argued for Plaintiff-Respondent. Cause submitted.

Crim. THE PEOPLE
No. vs.

C026444 WESLEY EUGENE WASHINGTON

Cause called. Arnold Erickson, court appointed counsel argued for Defendant-Appellant. Jane W. Kirkland, Deputy Attorney General argued for Plaintiff-Respondent. Cause submitted.

At 10:49 a.m., court recessed. At 1:58 p.m., court reconvened with the same panel.

Juvenile In re JEREMY S.
No. vs.

C025359 JEREMY S.

Cause called. Roberta Simon, court appointed counsel argued for Defendant-Respondent. Jean M. Marinovich, Deputy Attorney General argued for Plaintiff-Appellant. Cause submitted.

WEDNESDAY, FEBRUARY 18, 1998 CONTINUED

At 2:24 p.m., court recessed. At 2:27 p.m., court reconvened with the same panel except Associate Justice Nicholson in place of Associate Justice Davis.

Crim. THE PEOPLE
No. vs.
C024981 LARRY BERNARD KEYS

Cause called. Richard Dangler argued for Defendant-Appellant. No appearance was made on behalf of Respondent as argued having been previously waived and approved. Cause submitted.

At 2:48 p.m., court recessed. At 2:50 p.m. court reconvened with Acting Presiding Justice Davis, Associate Justice Raye and Associate Justice Callahan.

Civil ROGER L. GRANT
No. vs.
C023522 BUTTE COMMUNITY COLLEGE DISTRICT ETC.

Cause called. Steven McNichols argued for Plaintiff-Appellant. Nicholas T. Calderon, of Atkinson, Andelson, Loya, Ruud & Romo argued for Defendant-Respondent. Cause submitted.

At 3:20 p.m., court recessed. At 3:25 p.m., court reconvened with Presiding Justice Puglia, Associate Justice Scotland, and Associate Justice Raye.

Civil MARRIAGE OF CARTER
No. KAREN CARTER
C024685 vs.
BRUCE CARTER

Cause called. Karen Murphy argued for Herself in Pro Per as Appellant. Jeffrey J. Posner, of Woodruff, O'Hair & Posner argued for Respondent. Cause submitted.

Court adjourned at 4:03 p.m., until 9:30 a.m., Thursday, February 19, 1998.

WEDNESDAY, FEBRUARY 18, 1998 CONTINUED

Misc-Order

98-02

By the Court:

Associate Justice Coleman A. Blease is appointed to serve as Acting Presiding Justice to discharge the duties described in Rules 75, 76, 77 and 78 of the California Rules of Court during the absence of the Presiding Justice from the Court for the period of February 20, 1998, or until his return. (see Cal. Const. Art 6, Sec 3) The senior member of a panel of the Court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.

Dated: February 18, 1998

PUGLIA, P.J.

THURSDAY, FEBRUARY 19, 1998

At 9:33 a.m., the court met in the Library & Courts Building for a continuation of court calendar session.

PRESENT: DAVIS, Acting Presiding Justice
 RAYE, Associate Justice
 CALLAHAN, Associate Justice

Bailiff: Jones.
Calendar Called.

Civil

No.

C025596

MARRIAGE OF WIESE

DEBRA A. WIESE

vs.

STEVEN C. WIESE

Cause called. Freda D. Pechner argued for Appellant. John R. Hargreaves argued for Respondent. Cause submitted.

Court adjourned at 10:13 a.m., until 9:30 a.m., Thursday, February 20, 1998.

THURSDAY, FEBRUARY 19, 1998 CONTINUED

Civil ELDA R. SEARS
 No. vs.
 C025301 JENNIE C. MORRISON ET AL.

By the Court:

The court having examined the record on appeal and having determined that the order appealed from is non-appealable, the appeal filed December 22, 1997, is dismissed. (See Modica v. Merin (1991) 234 Cal. App. 3d 1072.)

Dated: February 19, 1998

BLEASE, Acting P. J.

Civil COAST MOTORS INC.
 No. vs.
 C026482 SAAB CARS USA, INC. ET AL.

By the Court:

Pursuant to the stipulation filed by Coast Motor, Inc. and Saab Cars USA, the appeal filed May 8, 1997, is dismissed as to Saab Cars USA only. The remittitur shall issue forthwith and the parties will bear their own costs on appeal.

Dated: February 19, 1998

PUGLIA, P.J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C026523 GILBERT VAIZA

The judgment is affirmed.

SCOTLAND, J.

We concur: PUGLIA, P.J.
 DAVIS, J.

THURSDAY, FEBRUARY 19, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C026242 TIMOTHY LESLIE MILLIGAN

The judgment is vacated and the cause is remanded to the superior court to recompute defendant's presentence credit in accordance with the views expressed herein. The court shall prepare and file an amended abstract of judgment which shall be forwarded to the Department of Corrections..

CALLAHAN, J.

We concur: DAVIS, Acting P.J.
 RAYE, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C023599 PETER THOMAS COCKROFT

The judgment is affirmed.

BLEASE, J.

We concur: PUGLIA, P.J.
 SCOTLAND, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C026917 THOMAS CARL RICHARDSON

The judgment is modified to award defendant 150 days of conduct credits, plus credit for 301 days in actual custody -- total credit of 451 days. As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment reflecting this modification and to send a certified copy of the amended abstract to the Department of Corrections.

SCOTLAND, J.

We concur: PUGLIA, P.J.
 DAVIS, J.

In re the Marriage of THEODORE KATZAKIAN AND SUZANNE
ST. JOHN (Not for Publication)

VS.

The judgment (order) is affirmed.

NICHOLSON, J.

We concur: SCOTLAND, Acting P.J.
CALLAHAN, J.

At 9:30 a.m., the court met in the Library & Courts Building for a continuation of court calendar session.

PRESENT: BLEASE, Acting Presiding Justice
SIMS, Associate Justice
SCOTLAND, Associate Justice

Bailiff: Jones.
Calendar called.

Crim.
No.
C024961

THE PEOPLE VS. IVAN GALVAN

Cause called. Janice Lagerlof, court appointed counsel argued for Defendant-Appellant. Robert D. Marshall, Deputy Attorney General argued for Plaintiff-Respondent. Cause submitted.

At 9:46 a.m. court recessed. At 9:50 a.m., court reconvened with Acting Presiding Justice Blease, Associate Justice Davis, and Associate Justice Raye.

FRIDAY, FEBRUARY 20, 1998 CONTINUED

Crim THE PEOPLE
No. vs.
C024077 VINCENT MICHAEL LOMBARDO

Cause called. Charles M. Bonneau, court appointed counsel argued for Defendant-Appellant. Mark A. Johnson, Deputy Attorney General argued for Plaintiff-Respondent.

Court adjourned at 11:00 am, until 9:30 a.m., Tuesday, February 24, 1998.

Crim. THE PEOPLE
No. vs.
C026293 GARY EUGENE KUKES

By the Court:

Appellant's pro per petition for rehearing is denied.

Dated: February 20, 1998

SCOTLAND, Acting P.J.

Crim. THE PEOPLE
No. vs.
C025433 STUART COREY CRANE

By the Court:

Appellant's petition for rehearing is denied.

Dated: February 20, 1998

BLEASE, Acting P.J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C023102 JEFFERY GORDON MASON

The judgment is reversed.

BLEASE, J.

I concur: DAVIS, J.

I dissent:
 PUGLIA, P.J.

FRIDAY, FEBRUARY, 20, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C025571 PATRICIA ALENE BARNHART
 The judgment is affirmed.
 SIMS, J.
 We concur: PUGLIA, P.J.
 RAYE, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C024847 EDWIN ARNOLD LOVETT
 The judgment is affirmed.
 CALLAHAN, J.
 We concur: SCOTLAND, Acting P.J.
 NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C025735 CHRISTOPHER MASON, JR.
 The judgment is affirmed.
 SIMS, J.
 We concur: PUGLIA, P.J.
 NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C024417 ERNEST LEE POWELL
 The judgment is modified to reduce the enhancement under subdivision (c) of Penal Code section 12022 to the lesser included enhancement under Penal Code section 12022, subdivision (a), and the sentence of one year is imposed for that enhancement; as modified, the judgment is affirmed. (See Kelly, supra, 1 Cal. 4th at p. 552) The trial court is directed to amend the abstract of judgment accordingly and to send a certified copy thereof to the Director of Corrections.
 BLEASE, J.
 We concur: PUGLIA, P.J.
 SCOTLAND, J.

FRIDAY, FEBRUARY 20, 1998 CONTINUED

Crim. No. C025436	THE PEOPLE vs. VANCE JEFFORY PFENNING	(Not for Publication)
	The judgment is affirmed.	
		DAVIS, Acting P.J.
	We concur:	RAYE, J. CALLAHAN, J.
Crim. No. C025389	THE PEOPLE vs. DELDA RAY RICHARDSON	(Not for Publication)
	The judgment is affirmed.	
		SIMS, J.
	We concur:	PUGLIA, P.J. RAYE, J.
Civil No. C026211	MARRIAGE OF JEFFREY AND ROSEMARY VALNEY JEFFREY ROGER VALNEY vs. ROSEMARY RUTH VALNEY	(Not for Publication)
	The order is affirmed.	
		SCOTLAND, J.
	We concur:	PUGLIA, P.J. BLEASE, J.
Crim. No. C022443	THE PEOPLE vs. GENE C. GRAVENMEIER	(Not for Publication)
	The judgment is reversed, and the matter is remanded for a new trial on counts I and II.	
		SCOTLAND, J.
	We concur:	SIMS, Acting P.J. NICHOLSON, J.

FRIDAY, FEBRUARY 20, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)

No. vs.

C022663 LONNIE PAUL PAGE

The conviction and order of probation are reversed.

SCOTLAND, J.

I concur: SIMS, Acting P.J.

I dissent:
NICHOLSON

Crim. THE PEOPLE (Not for Publication)

No. vs.

C024981 LARRY BERNARD KEYS

The trial court shall amend the abstract of judgment to reflect the two corrections specified in part IV and to forward the amended abstract to the Department of Corrections. The judgment, as modified, is affirmed.

NICHOLSON, J.

We concur: SIMS, Acting P.J.
 RAYE, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C024943 JAMES WILLIAM COVERT

The conviction is affirmed. The sentence is vacated and the matter remanded to the trial court for resentencing in conformity with the opinion.

NICHOLSON, Acting P.J.

We concur: RAYE, J.
 CALLAHAN, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C026101 AARON SCOTT WALRATH

The abstract of judgment is modified to reflect local conduct credits of 24 days rather than 12. As modified, the judgment is affirmed. The superior court clerk shall forward a certified copy of this opinion to the Department of Corrections.

CALLAHAN, J.

We concur: NICHOLSON, Acting P.J.
 MORRISON, J.

MONDAY, FEBRUARY 23, 1998

Civil STOCKTON MORTGAGE, INC. (Not for Publication)
No. vs.
C025745 ANTOINETTE M. DEE ET AL.

THE COURT:

..... This modification does not change the judgement.
Appellants' petition for rehearing is denied.

BY THE COURT:

PUGLIA, P.J.
BLEASE, J.
SCOTLAND, J.

Civil THOMAS P. FRIERY ET AL
No. vs.
C025634 SUTTER BUTTES SAVINGS BANK

THE COURT:

....For good cause it now appears that the opinion should be published and accordingly, it is ordered that the opinion be published in the official reports. (Certified for Publication.)

FOR THE COURT:

PUGLIA, P.J.
BLEASE, J.
CALLAHAN, J.

Juvenile In re JEREMY S., a Person Coming Under the Juvenile Court Law.
No. THE PEOPLE (Not for Publication)
C025359 vs.
JEREMY S.

The juvenile court's order dismissing petition PJ-00317D is reversed. The matter is remanded to the juvenile court for further proceedings.

SIMS, J. Acting P.J.

We concur: DAVIS, J.
 RAYE, J.

MONDAY, FEBRUARY 23, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C026000 MARY ELEVYN STEVENSON

SIMS, Acting P.J.

We concur: DAVIS, J.
 RAYE, J.

Juvenile In re Paul Y., a Person Coming Under the Juvenile Court Law.

No. THE PEOPLE (Not for Publication)
 C026662 vs.
 PAUL Y.

The judgment is affirmed.

CALLAHAN, J.

We concur: DAVIS, Acting P.J.
 MORRISON, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C021787 BRUCE ANTHONY MCALLISTER

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C023704 BRUCE ANTHONY MCALLISTER

The People's appeal in No. C021787 is dismissed as moot. In No. C023704, the conviction of grand theft and the finding defendant sustained conviction for a prior serious felony are affirmed.

PUGLIA, P.J.

I concur: DAVIS, J.
 I dissent:
 BLEASE, J.

TUESDAY, FEBRUARY 24, 1998

At 9:30 a.m., the court met in the Library & Courts Building for a continuation of court calendar session.

PRESENT: SIMS, Acting Presiding Justice
 DAVIS, Associate Justice
 MORRISON Associate Justice

Bailiff: Jones.
Calendar Called.

Civil MARRIAGE OF MCCOY
No. REVONDA L. MCCOY
C021211 vs.
 LARRY W. MCCOY

Cause called. Larry W. McCoy argued for Himself in Pro Per as Appellant. Steven L Wessels argued for Respondent. Cause submitted.

Court recessed at 9:45 a.m.. At 9:48 a.m., court reconvened with the same panel except Presiding Justice Puglia in place of Sims, Acting Presiding Justice.

Civil WILLIAM KIDD ET AL.
No. vs.
C009484 STATE OF CALIFORNIA ET AL.

Cause called. Stephen R. McCutcheon, of Pacific Legal Foundation argued for Plaintiffs-Appellants with additional citations. Anthony T. Caso appeared of Pacific Legal Foundation appeared for Plaintiffs-Appellants. Geoffrey L. Graybill, Deputy Attorney Counsel argued for Defendants-Respondents. Cause Submitted.

Court recessed at 10:13 .am. At 2:00 p.m., court reconvened with Acting Presiding Justice Sims, Associate Justice Davis and Associate Justice Scotland.

TUESDAY, FEBRUARY 24, 1998

Civil RICHARD E. THOMAS
No. vs.
C024235 CRAIG A. ROWLAND

Cause called. John Dutton argued for Defendant-Appellant. Robert F. Sinclair, of Sinclair, Wilson & Bedore argued for Plaintiff-Respondent. Cause submitted. (Consolidated with C024758).

Civil RICHARD E. THOMAS
No. vs.
C024758 CRAIG A. ROWLAND

Cause called. John Dutton argued for Defendant-Appellant. Robert F. Sinclair, of Sinclair, Wilson & Bedore argued for Plaintiff-Respondent. Cause submitted. (Consolidated with C024235).

At 2:25 p.m. court recessed. At 2:28 p.m., court reconvened with the same panel except Associate Justice Raye in place of Associate Justice Scotland.

Civil THE FUTURE ET AL.
No. vs.
C025674 EL DORADO COUNTY BOARD ETC. ET AL.
 COOK RANCH PARTNERS

Cause called. Randy L. Barrow argued for Plaintiffs-Appellant. Thomas P. Infusino, of The Center for Sierra Nevada Conservation appeared for Plaintiffs-Appellants. John D. Hoffman, of Ellman, Burke, Hoffman & Johnson argued for RPI-Respondent. Edward L. Knapp, County Counsel appeared for Defendants-Respondents. Cause submitted. (Consolidated with C026477).

TUESDAY, FEBRUARY 24, 1998 CONTINUED

Civil THE FUTURE ET AL.
No. vs.
C026477 EL DORADO COUNTY BOARD ETC. ET AL
 COOK RANCH PARTNERS

Cause called. Randy L. Barrow argued for Plaintiffs-Appellant. Thomas P. Infusino, of The Center for Sierra Nevada Conservation appeared for Plaintiffs-Appellants. John D. Hoffman, of Ellman, Burke, Hoffman & Johnson argued for RPI-Respondent. Edward L. Knapp, County Counsel appeared for Defendants-Respondents. Cause submitted. (consolidated with C025674).

Court adjourned at 3:44 p.m., until 9:30 a.m., Monday, March 16, 1998

Crim. THE PEOPLE (Not for Publication)
No. vs.
C025684 WILLIAM EARL ROGERS

Appellant's petition for rehearing is denied.

Dated: February 24, 1998

NICHOLSON, Acting P.J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C024120 BRANDSHA LAMAR HUNTSINGER

The number of presentence custody credits is modified to 1,448 days, and the amount of the restitution fine is decreased to \$9,241. As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and forward it to the Department of Corrections.

NICHOLSON, Acting P.J.

We concur: MORRISON, J.
 CALLAHAN, J.

TUESDAY, FEBRUARY 24, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C024614 KENNETH MORRIS BERRY
 The judgment is affirmed.
 DAVIS, J.
 We concur: PUGLIA, P.J.
 SCOTLAND, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C024961 IVAN GALVAN
 The judgment is affirmed.
 SIM, J.
 We concur: BLEASE, Acting P.J.
 SCOTLAND, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs
 C026444 WESLEY EUGENE WASHINGTON
 The sentence is vacated with directions to the trial court to determine whether defendant's prior conviction for assault with a deadly weapon in case number 107609 merits treatment as a felony or misdemeanor. The court shall then impose consecutive sentences for the prior and instant offenses. In all other respects, the judgment is affirmed.
 DAVIS, J.
 We concur: SIMS, Acting P.J.
 RAYE, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C026673 TODD RICHARD FERRIS
 The judgment is affirmed.
 PUGLIA, P.J.
 We concur: SIMS, J.
 NICHOLSON, J.

TUESDAY, FEBRUARY 24, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C025824 CHARLENE OGDEN

The orders dismissing the information and granting defendant's Penal Code section 1538.5 motion are reversed. The matter is remanded to the superior court with directions to rule on the suppression motion and take such further proceedings as are required by law.

PUGLIA, P.J.

We concur: SIMS, J.
 NICHOLSON, J.

Crim. THE PEOPLE Not for Publication)
 No. vs.
 C025569 GARY LLOYD GORDON

The judgment is affirmed.

PUGLIA, P.J.

We concur: SIMS, J.
 NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C026016 ANTONIO CHAVEZ ROBLEDO

The judgment is affirmed.

PUGLIA, P.J.

We concur: SIMS, J.
 NICHOLSON, J.

Juvenile In re AARON F., a Person Coming Under the Juvenile Court Law.
 No. THE PEOPLE (Not for Publication)
 C026577 vs.
 AARON F.

The judgment (order committing the minor to the Youth Authority) is affirmed.

PUGLIA, P.J.

We concur: NICHOLSON, J.
 CALLAHAN, J.

TUESDAY, FEBRUARY 24, 1998 CONTINUED

Civil EDWARD R. STOLZ, II (Not for Publication)
No. vs.
C026023 SACRAMENTO RENAISSANCE

The order denying TSR's motion to dismiss with prejudice is reversed. The matter is remanded to the trial court for proceedings consistent with this opinion. TSR is awarded its costs on appeal.

DAVIS, J.

We concur: PUGLIA, P.J.
 SIMS, J.

Civil IN RE MARRIAG OF DEBRA A. AND STEVEN C. WEISE
No. DEBRA A. WEISE (Not for Publication)
C025596 vs.
 STEVEN C. WIESE

The order is affirmed.

DAVIS, Acting P.J.

We concur: RAYE, J.
 CALLAHAN, J.

Civil SCRIPPS-HOWARD CABLE COMPANY, ETC.
No. (Not for Publication)
C026202 vs.
 NAZIR KHAN

The judgment is affirmed and the matter is remanded to the trial court for a determination of reasonable attorney fees incurred in this appeal. Khan is awarded his costs on appeal.

DAVIS, J.

We concur: BLEASE, Acting P.J.
 SIMS, J.

WEDNESDAY FEBRUARY 25, 1998

Crim. THE PEOPLE (Not for Publication)
No. vs.
C024611 STEVE LYLE BOSICK
By the Court:
Appellant's pro per petition for rehearing is denied.
Dated: February 25, 1998
SIMS. Acting P.J.

[illegible]

Civil
No.
C023368

CALIFORNIA STATE EMPLOYEES ETC. ET AL.
(Not for Publication)

vs.

PETE WILSON, AS GOVERNOR, ETC. ET AL.

As modified, the judgments are affirmed. All parties will pay
their own costs of appeal.

DAVIS, J.

We concur: BLEASE, Acting P.J.
SCOTLAND, J.

Civil
No.
C024685

MARRIAGE OF KAREN C. AND BRUCE K. CARTER
KAREN C. CARTER (Not for Publication)
vs.
BRUCE K. CARTER

The judgment (order) is affirmed. Sanctions in the amount of \$1,000, to be paid as directed in this opinion, are imposed against plaintiff for prosecuting a frivolous appeal. Plaintiff also is ordered to pay defendant's costs on appeal. (Cal. Rules of Court, rule 26(a).)

SCOTLAND, J.

We concur: PUGLIA, P.J.
RAYE, J.

WEDNESDAY, FEBRUARY 25, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)

No. vs.

C022602 TYRONE ANTHONY CHATMAN

The judgment is affirmed. (CERTIFIED FOR PARTIAL PUBLICATION.)

MORRISON, J.

We concur: PUGLIA, P.J.
SCOTLAND, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C025057 HELIO RUIZ AMBRIZ

The judgment is affirmed.

BLEASE, Acting P.J.

We concur: SCOTLAND, J.
NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C024484 JERRY LEE RAMIREZ

The judgment is affirmed.

CALLAHAN, J.

We concur: SIMS, J.
 RAYE, J.

Civil NATURAL RESOURCES DEFENSE COUNCIL

No. (Not for Publication)

C024029 vs.

CALIFORNIA INTEGRATED WASTE ETC.

Paragraphs 3 and 5(c) of the judgment are reversed. The board shall recover its costs on appeal.

RAYE, J.

We concur: SCOTLAND, J.
CALLAHAN, J.

WEDNESDAY, FEBRUARY 25, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C025639 IRA DENHAM CUSHMAN AND LINDA LEE CUSHMAN
 The judgments are affirmed.
 RAYE, J.
 We concur: PUGLIA, P.J.
 SIMS, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C025657 LYDIA JOHNSON
 The judgment is affirmed.
 CALLAHAN, J.
 We concur: DAVIS, Acting P.J.
 RAYE, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C026004 JONATHAN G. SPIROS
 The judgment is affirmed.
 CALLAHAN, J.
 We concur: DAVIS, Acting P.J.
 RAYE, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C025104 GARY HEGLIN
 The judgment is affirmed.
 CALLAHAN, J.
 We concur: SIMS, Acting P.J.
 RAYE, J.

THURSDAY, FEBRUARY 26, 1998

Crim. THE PEOPLE (Not for Publication)

No. vs.

C024476 VICTOR EUGENE COLEMAN

The judgment is affirmed.

SIMS, Acting P.J.

We concur: NICHOLSON, J.
MORRISON, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C025040 FRANK EUGENE WINGFIELD

The judgment is affirmed.

BLEASE, Acting P.J.

We concur: SCOTLAND, J.
NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C025398 JUDE WESTON YOUNG ET AL.

The judgment is affirmed as to both Young and Caton.

SIMS, J.

I concur: NICHOLSON, J.

I concur in the judgment and in the opinion except as to part VI of the Discussion, as to which I concur in the result.

BLEASE, Acting P.J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C022967 DANNY ERVIN ANDREWS AND HERMAN VERNON BURNS

The judgment is affirmed.

MORRISON, J.

We concur: PUGLIA, P.J.
SIMS, J.

THURSDAY, FEBRUARY 26, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C024087 JERRY WILLIAM HART

The judgment is modified to strike the imposition of laboratory and drug program fees. The trial court is directed to issue a new abstract of judgment reflecting this modification and to furnish a certified copy thereof to the director of Corrections. As modified, the judgment is affirmed.

BLEASE, J.

I concur: PUGLIA, P.J.

I concur in the result:
 SCOTLAND, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C025038 TERRY WAYNE CRITTON

The judgment of conviction and the 25-year-to-life sentence imposed for the violation of Vehicle Code section 10851 are affirmed. The order staying the sentence on the prison term enhancement (Pen. Code § 667, subd. (b) is reversed. The case is remanded to the trial court so that the court may exercise its discretion and impose or strike the one-year enhancement in compliance with Penal Code section 1170.1, former subdivision (h). (Stats. 1994, ch. 1188, § 112.7.)

MORRISON, J.

We concur: BLEASE, Acting P.J.
 RAYE, J.

Civil In re the Marriage of REVONDA and LARRY MCCOY
 No. REVONDA L. MCCOY (Not for Publication)
 C021211 vs.
 LARRY W. MCCOY

The judgment (order) is affirmed

SIMS, Acting P.J.

We concur: DAVIS, J.
 MORRISON, J.

THURSDAY, FEBRUARY 26, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)
No. vs.
C025795 GERALD GUY GOWER
The judgment is affirmed.
RAYE, J.
We concur: SIMS, Acting P.J.
MORRISON, J.

Crim. THE PEOPLE (Not for Publication)
No. vs
C025302 KERWIN FEDALE WADE
The judgment is affirmed.
RAYE, J.
We concur: SIMS, Acting P.J.
MORRISON, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C026025 JAMES F. LAPP, III
The judgment is affirmed.
DAVIS, J.
We concur: PUGLIA, P.J.
SCOTLAND, J.

FRIDAY, FEBRUARY 27, 1998

Crim. THE PEOPLE (Not for Publication)
No. vs.
C025073 DAVID NORMAN RANER
The judgment is affirmed.
BLEASE, Acting P.J.
We concur: SCOTLAND, J.
NICHOLSON, J.

FRIDAY, FEBRUARY 27, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C026656 CHARLES RUSSELL LONG

The judgment is modified to award defendant 51 days of presentence custody credit. The trial court is directed to prepare an amended abstract accordingly. In all other respects, the judgment is affirmed.

MORRISON, J.

We concur: BLEASE, Acting P.J.
 RAYE, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C024937 DANIEL STEVEN ANGELOS

The convictions are affirmed, the sentence is vacated, and the matter is remanded to the trial court to allow defendant to move the court to strike his prior conviction and for resentencing in accordance with this opinion. In preparing the new abstract of judgment, the court will include all convictions and dispositions (see fn. 1, p. 2, ante).

PUGLIA, P.J.

We concur: DAVIS, J.
 MORRISON, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C026479 HECTOR SANCHEZ-ALCANTAR

The judgment is affirmed.

CALLAHAN, J.

We concur: DAVIS, Acting P.J.
 RAYE, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C026088 ELLIOTT NICHOLAS BEVERLEY

The judgment is affirmed.

CALLAHAN, J.

We concur: DAVIS, Acting P.J.
 RAYE, J.

FRIDAY, FEBRUARY 27, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C025052 VINH THO DAO
 The judgment is affirmed.
 MORRISON, J.
 We concur: PUGLIA, P.J.
 DAVIS, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C026770 BOBBY LEE BUCKLEY
 The judgment is affirmed.
 PUGLIA, P.J.
 We concur: DAVIS, J.
 SCOTLAND, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C024674 KENNETH D. CLEMONS
 The judgment is affirmed.
 PUGLIA, P.J.
 We concur: DAVIS, J.
 CALLAHAN, J.

Civil RONALD J. RICKABAUGH (Not for Publication)
 No. vs.
 C028261 SUPERIOR COURT OF MONO COUNTY
 LAUREN ANN ENOCHS ET AL.

Let a peremptory writ of mandate issue directing respondent superior court to vacate its order of December 5, 1997, insofar as said order grants real parties in interest motion to strike, and enter a new order denying that motion in its entirety. Petitioner shall recover his costs in this proceeding.

PUGLIA, P.J.

We concur: BLEASE, J.
 CALLAHAN, J.

FRIDAY, FEBRUARY 27, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C026018 DEMETRIUS L. HOWZE
 The judgment is affirmed.
 CALLAHAN, J.
 We concur: NICHOLSON, Acting P.J.
 MORRISON, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C027313 JOSE STEWART BENAVIDEZ
 The judgment is affirmed.
 RAYE, J.
 We concur: SIMS, Acting P.J.
 MORRISON, J.

Civil ROGER L. GRANT (Not for Publication)
 No. vs.
 C023522 BUTTE COMMUNITY COLLEGE DISTRICT ETC.
 The judgment is affirmed. The Board shall recover its costs on
 appeal.
 RAYE, J.
 We concur: DAVIS, Acting P.J.
 CALLAHAN, J.

Civil HUBERT BRUNS (Not for Publication)
 No. vs.
 C026166 ALPINE COUNTY
 DOROTHY HEISE
 The judgment is affirmed.
 DAVIS, J.
 We concur: PUGLIA, P.J.
 SIMS, J.

FRIDAY, FEBRUARY 27, 1998 CONTINUED

Civil THOMAS QUINN (Not for Publication)
No. vs.
C026075 RICHARD S. YAFFEE, as Program Manager, ETC., ET AL.

(Not for Publication)

The judgment is affirmed. Respondents shall receive costs on appeal.

SIMS, J.

We concur: PUGLIA, P.J.
CALLAHAN, J.

Civil ROBERT S. CAULK, as Director, ETC. ET AL.
No. (Certified for Publication)
C015355 vs.

SUPERIOR COURT OF SACRAMENTO COUNTY
MARY GUIMBELLOT ET AL.

The alternative writ, having fulfilled its purpose, is hereby dissolved. Because there is no likelihood plaintiffs will prevail on the merits, a peremptory writ of mandate will issue directing the superior court to dissolve the preliminary injunction and to enter judgment for defendants. The parties shall bear their own costs.

PUGLIA, P.J.

We concur: SIMS, J.
 NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C027313 JOSE STEWART BENAVIDEZ

(Not for Publication)

The judgment is affirmed.

RAYE, J.

We concur: SIMS, Acting P.J.
 MORRISON, J.

FRIDAY, FEBRUARY 27, 1998 CONTINUED

Civil ROGER L. GRANT (Not for Publication)
No. vs.

C023522 BUTTE COMMUNITY COLLEGE DISTRICT

The judgment is affirmed. The board shall recover its costs on appeal.

RAYE, J.

We concur: DAVIS, Acting P.J.
CALLAHAN, J.

Civil HUBERT BRUNS (Not for Publication)
No. vs.

C026166 ALPINE COUNTY
DOROTHY HEISE

The judgment is affirmed.

DAVIS, J.

We concur: PUGLIA, P.J.
SIMS, J.